

Original

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SC

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALLFIRST BANK, : CIVIL ACTION NO. 1:01-CV-786
 : (Honorable Sylvia H. Rambo)

Plaintiff, :

v.
:

JOHN M. ORTENZIO, :

Defendant.
:

FILED
HARRISBURG, PA

JAN 02 2002

MARY E. O'ANDREA CLERK
Per _____
Deputy Clerk

DEFENDANT'S MOTION FOR CONTINUANCE

Defendant, John M. Ortenzio, though his undersigned attorneys, hereby moves for a thirty day continuance from this Court's June 2002 trial list and in support thereof, states as follows:

1. Pursuant to the Case Management Order entered on October 30, 2001, this case has been placed on the June 2002 trial list.
2. Prior to the entry of the Court's order, Defendant and his brothers scheduled a sailing trip in Alaska with their sons for the week of June 23, 2002 and advanced a \$2,000 non-refundable deposit toward the cost of the trip. A copy of the check and an email confirming the dates of the trip are attached hereto as Exhibit "A."
3. Defendant's counsel has contacted Plaintiff's counsel in order to obtain his consent to the continuance, however, to date, Plaintiff's counsel has not advised Defendant's counsel of either his consent or objection to the continuance.
4. Neither party will be prejudiced by the granting of a thirty day continuance.

WHEREFORE, Defendant respectfully requests this Honorable Court enter an Order granting his Motion for Continuance and placing this case on the July 2002 trial list.

Respectfully submitted,

BLANK ROME COMISKY & McCUALEY LLP

BY:



EDWARD I. SWICHAR, ESQUIRE
ROBERT A. BURKE, ESQUIRE
One Logan Square
Philadelphia, PA 19103
(215) 569-5500

Attorneys for Defendant, John M. Ortenzio

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Motion for Continuance was served this 27th day of December, 2001, by first class mail, postage prepaid, upon the following:

Lawrence J. Gebhardt, Esquire
Gebhardt & Smith LLP
The World Trade Center, 9th Floor
Baltimore, MD, 21202
Attorneys for Plaintiff


EDWARD I. SWICHAR, ESQUIRE

Burke, Robert A.

From: Rick Fleischman [Rick@soundsailing.com]

Sent: Friday, December 21, 2001 12:54 PM

To: Jortenzi7@cs.com

Subject: Alaska Sailing trip

Dear John,

I'm looking forward to sailing with you and your brothers in Alaska next summer!

This Email confirms receipt of your deposit of \$2000 to confirm your trip for the following individuals:

Bob Ortenzio
John Ortenzio
Marty Ortenzio
Brian Ortenzio
Kevin Ortenzio
David Ortenzio
Michael Ortenzio
David Cherno
Zach Cherno

The non-refundable \$2000 deposit confirms the trip for two boats departing Sitka about 9 AM on June 23 and returning to the dock in Sitka about 9 AM on June 29. The price for your trip is \$1750/person. 50% of your charter fee is due April 1 and the balance is due at the boat. Personal checks made out to Sound Sailing are fine for all payments and can be mailed to the address below.

Please feel free to call or email if you have any questions!

Happy Holidays!

Rick

Rick Fleischman
Sound Sailing
PO Box 33127
Seattle, WA 98133
(888) 2GO-SAIL